

CHAPTER L.

AN ACT TO AMEND CHAPTER FORTY OF THE GENERAL STATUTES OF THE STATE OF MINNESOTA, CONCERNING DEEDS, MORTGAGES AND OTHER CONVEYANCES.

Be it enacted by the Legislature of the State of Minnesota :

SECTION 1. Chapter forty of the general statutes of the state of Minnesota, concerning deeds, mortgages and other conveyances, is hereby amended by adding to said chapter forty a new section, as follows :

Proceedings for a
decree of satis-
faction of mort-
gage.

Sec. 37. If any mortgagee, or his personal representative or assignee, after a full performance of the conditions of the mortgage, shall for the space of ten days after being thereto requested, and after tender of his reasonable charges, refuse or neglect to discharge the same, as provided in this chapter, or to execute and acknowledge a certificate of discharge, or release thereof, he shall be liable to the mortgagor, his heirs, grantee or assigns, for all actual damages occasioned by such neglect or refusal, to be recovered in a civil action; and such mortgagor, his heirs, grantee or assigns, may in such action unite with such claim for damages a claim for satisfaction and release of such mortgage. And if, upon the trial of such action, it appears that the conditions of such mortgage have been fully performed as aforesaid, then the court shall by its decree and judgment, release and satisfy such mortgage, and a certified copy of such decree shall be filed in the office of the register of deeds where such mortgage is recorded, and thereupon such decree shall operate as a full and complete discharge of such mortgage. If the mortgagee, his personal representatives or assignee, is a non-resident of this state, such action may be maintained against him, at the expiration of sixty days after the conditions of said mortgage have been fully performed, without any previous request or demand to satisfy such mortgage.

Act takes effect.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved February 27, 1873.